

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

-v-

AMERINDO INVESTMENT ADVISORS  
INC., *et al.*,

Defendants.

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DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 10-17-14

No. 05cv-5231 (RJS)  
ORDER

RICHARD J. SULLIVAN, District Judge:

On July 29, 2014, the Receiver submitted a Third Status Report, which, *inter alia*, informed the Court of seven additional potential investor claims (the “Additional Claims”), which were filed by investors who were not included in the First Interim Distribution. (Doc. No. 455.) On August 4, 2014, the Court ordered the Receiver and any interested parties to respond to the Additional Claims by August 29, 2014, in order to determine whether, and in what amounts, the claims should be allowed for inclusion in the Second Interim Distribution and subsequent distributions. (Doc. No. 459.) By that deadline and somewhat beyond it, the Court received (1) the Receiver’s position regarding the additional claims, along with the documents submitted in support of the Additional Claims by the claimants (Doc. No. 460), and (2) objections to the Additional Claims from (a) Alfried Heitkonig (Doc. No. 463), (b) Paul Marcus, the Deane J. Marcus Trust, the Steven E. Marcus Trust, the Cheryl Marcus-Podhaizer Trust, and the Eve S. Marcus Children’s Trust (Doc. No. 464), (c) Lisa Mayer and Debra Mayer (Doc. No. 467), and (d) the Defendants (Doc. No. 468). The Receiver recommended disallowing the Additional Claims filed by Christina Lohman and David Mainzer, and allowing the remaining Additional Claims in amounts as follows:

<b><u>Claimant</u></b>	<b><u>Total Allowed Claim</u></b>
Ana Acevedo (the "Acevedo Claim")	\$905,319.20
Jacqueline A. Gaztambide, Ana R. Acevedo, Annette Acevedo (the "Gaztambide Claim")	\$65,000
Maria Dichov (the "Dichov Claim")	\$517,269.39
LA Opera (the "LA Opera Claim")	\$721,240.25
Anna Gladkoff (the "Gladkoff Claim")	\$300,000.00

(See Doc. No. 460.) In light of the number and nature of the objections filed by other parties, on September 4, 2014, the Court ordered the Receiver to submit a response (Doc. No. 470), and on September 19, 2014, the Receiver responded to the objections and affirmed his recommendations as to the amounts the Court should allow for the Additional Claims (Doc. No. 477). Furthermore, in addition to the Receiver's response, since the deadline for the submission of objections to the Additional Claims, the Court has received (1) two letters from Edward Swanson in support of the Gladkoff Claim (Doc. Nos. 469, 473), and (2) a letter from Defendants objecting to the Gladkoff Claim (Doc. No. 471). Finally, on October 15, 2014, the Receiver submitted a supplement to his response to the Additional Claims, in which he modified his recommendations as to the Dichov Claim and the Acevedo Claim. (Doc. No. 493.) Specifically, the supplementary response recommended that the allowed amount of the Dichov Claim be increased from \$517,269.39 to \$1,567,528.62, to allow the ATGF claim submitted by Maria Dichov, and that the allowed amount of the Acevedo Claim for purposes of the Second Interim Distribution be decreased from \$905,319.20 to \$160,000 "without prejudice to recompute the allowed claim amount once Ms. Acevedo submits additional documents," in order for the Receiver to further investigate the claim and the objections thereto. (*Id.*) The supplement otherwise affirmed the recommendations previously submitted by the Receiver. The Court concludes that the parties have had ample opportunity to voice any opposition to the Additional Claims, and that no further leave for response is necessary.


The Court having given thorough consideration to all of the submissions in support of and opposition to the claims, IT IS HEREBY ORDERED THAT, for purposes of the Second Interim Distribution, the Additional Claims shall be allowed in amounts as follows:

<u>Claimant</u>	<u>Total Allowed Claim</u>
Christina Lohmann	\$0.00
Ana Acevedo	\$160,000
Jacqueline A. Gaztambide, Ana R. Acevedo, Annette Acevedo	\$65,000
Maria Dichov	\$1,567,528.62
LA Opera	\$721,240.25
Anna Gladkoff	\$300,000.00
David Mainzer	\$0.00

IT IS FURTHER ORDERED THAT the allowed amount of the Acevedo Claim shall be without prejudice to recomputation pending further investigation by the Receiver. IT IS FURTHER ORDERED THAT, pursuant to the Court's September 30, 2014 Order, the Receiver shall submit a proposed Second Interim Distribution application by October 31, 2014, any objections to the Second Interim Distribution application shall be filed by November 10, 2014, and the Receiver shall submit a reply to any objections by November 17, 2014.

SO ORDERED.

Dated: October 16, 2014  
New York, New York

  
RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE